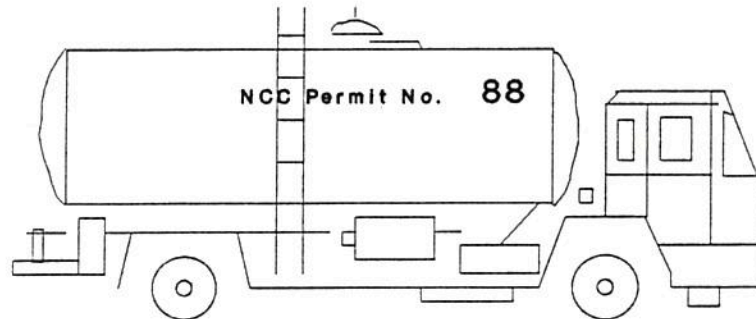
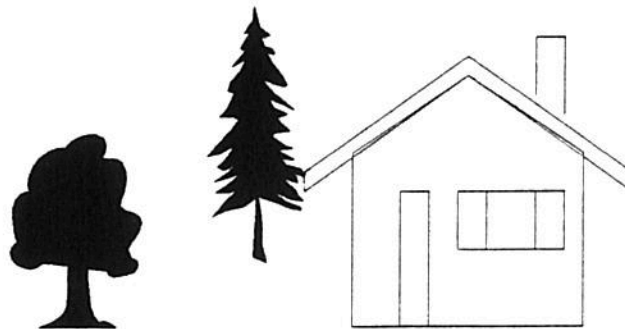


New Castle County, Delaware



Regulations Governing the Discharge of Hauled Waste

As Amended April 15, 1992



Department of Public Works
Engineering Division
Environmental Engineering Section

Introduced by:

Mr. Cloutier
03/24/92

ORDINANCE NO. 92-066

**AN ORDINANCE TO AMEND SECTION 16-4,
DISCHARGE OF INDUSTRIAL WASTES, AND SECTION 16-6,
USE OF SEWERS BY CLEANERS OF SEPTIC TANKS,
CHEMICAL TOILETS, ETC.**

WHEREAS, New Castle County operates a Sanitary Waste Depository for disposal of waste by license waste haulers; and

WHEREAS, New Castle County has experienced continuing problems with haulers dumping in unauthorized sites; and

WHEREAS, dumping of unauthorized waste has resulted in Treatment Plant upsets; and

WHEREAS, New Castle County Code Sections 16-4 and 16-6 should be amended to enable better control of waste hauling and disposal activities.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. Chapter 16, Article I, Section 16-4 of the New Castle County Code is hereby amended by deleting the language bracketed in Exhibit "A" attached hereto, consisting of Section 16-4 in its entirety.

Section 2. Chapter 16, Article I, Section 16-4 of the New Castle County Code is hereby further amended by adding the language in Exhibit "B" attached hereto, all of which shall be construed as underlined.

Section 3. Chapter 16, Article I, Section 16-6 of the New Castle County Code is hereby amended by deleting the language in Exhibit "C" attached hereto, consisting of Section 16-6 in its entirety.

Section 4. Chapter 16, Article I, Section 16-6 of the New Castle County Code is hereby further amended by adding the language in Exhibit "D" attached hereto, all of which shall be construed as underlined.

Section 5. This Ordinance shall become effective immediately upon its adoption.

Section 6. Severability. If any provision, paragraph or section of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

Approved on: 4-15/92


County Executive

Adopted by County Council of
New Castle County on: 4/14/92


President of County Council of
New Castle County

Sec. 16-4. Discharge prohibitions and enforcement actions.

A. It shall be unlawful for any person to discharge or permit the discharge or infiltration from any source, including but not limited to, industrial, commercial and residential sewer connections, drains, sinks, clean-outs and manholes, any of the following:

- (1) Any toxic chemicals, including but not limited to herbicides and pesticides, which have the potential to interfere with or inhibit or disrupt the treatment processes.
- (2) Any hauled or trucked waste except pursuant to Section 16-6 of the New Castle County Code.
- (3) Any substance which, by itself or in combination with any other substance, causes a nuisance as defined in Section 16-60.
- (4) Any discharge specifically prohibited under Section 16-61 of the New Castle County Code.
- (5) Any discharge exceeding the standards set forth in Section 16-62 of the New Castle Code.
- (6) Any substance identified as a hazardous waste which is listed in 40 CFR Part 261, and which is not discharged in accordance with the provisions of a valid New Castle County permit.

B. Enforcement. Any person violating any provision of this Article may be subject to enforcement actions specified in Section 16-6E and/or Sections 16-70 through 16-72.

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EXHIBIT "B"

Added

Sec. 16-6. Discharge of hauled waste.

A. General.

1. Definitions.

(a) "Sanitary wastes" shall mean wastes discharged to the public sewer system through a service connection or by a waste hauler from the sanitary conveyances of dwellings, commercial establishments, institutions and industrial establishments, and which are free of stormwater, groundwater and industrial wastes.

(b) "Waste hauler" shall be defined as any person or entity engaged in transportation or conveyance of wastewater for discharge directly or indirectly into the sewer system.

(c) "Wastewater" shall mean a combination of the water carried waste from residences, business buildings, institutions and industrial establishments, together with any ground, surface and stormwater that may be present, whether treated or untreated, discharged into or permitted to enter a public sewer.

2. Waste haulers permits. All waste haulers shall obtain a waste hauler permit before discharging wastewater into the sewer system. No waste hauler shall discharge into the sewer system except pursuant to and in accordance with a waste hauler permit and the provisions of this Section.

3. Permitted discharges. The waste hauler permit shall authorize the holder to discharge sanitary wastes from septic tanks, cesspools, holding tanks and temporary toilet facilities only. The director of public works shall reserve the right to limit the amount of waste a hauler may discharge.

4. Prohibited discharges.

(a) There shall be no discharge of treatment plant waste in any shape or form, hauled processed industrial waste, oil wastes, toxic substances, gravel, mud or any other type of waste not specifically sanitary in nature except upon written approval by the director of public works on a case-by-case basis. The owner of the source facility generating the waste has the responsibility of seeking such approval.

EXHIBIT "D"

(b) The discharge of hauled waste into the public sewer system is strictly prohibited except at locations approved in writing by the director of public works in accordance with the requirements of these regulations.

(c) There shall be no discharge of any substance that may cause obstruction, interference with the operation or excessive loading of the sanitary waste depository or any other portion of the publicly-owned treatment works.

(d) The discharge of any type of wastewater into the publicly-owned storm sewer is strictly prohibited.

5. Identifying markings. The following lettering shall be conspicuously placed in unobstructed view on both sides of each waste hauling vehicle:

Company Name:	4 inches high
Company Address:	1½ inches high
"NCC Permit No. ____":	1½ inches high
Permit No. ____:	4 inches high

6. Dumping sites.

(a) Location. Permitted waste haulers may discharge sanitary waste into the sewer system only at the Sanitary Waste Depository located at the Airport Pump Station on MacArthur Drive or an alternate location specifically authorized in writing by the director of public works.

(b) Access. A magnetic key card assigned to each waste hauling vehicle is required for access to the site. Transfer of key cards between permitted vehicles is prohibited.

7. Inspections. All vehicles shall have the required identifying markings, assigned key card, tightly-sealed tanks, adequate equipment for loading and discharging waste and shall be operated in such a manner as to prevent spillage or other nuisance. Periodic inspections will be conducted to ensure compliance with these regulations.

B. Permit application. Waste haulers shall complete and file with the director of public works an application in the form prescribed by New Castle County accompanied by applicable fees.

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1. The applicant shall be required to submit the following information:

- (a) Name and address.
- (b) Maximum capacity of vehicle(s) requiring permit.
- (c) Estimated monthly volume of wastewater to be discharged.
- (d) Source(s) and characteristics of wastewater to be discharged.
- (e) Applicable State of Delaware permit and Delaware Business License numbers.
- (f) Any other information as may be deemed by the director of public works to be necessary to evaluate the permit application.

2. In addition to the requirements of Section B.1., the out-of-state waste hauler shall provide certification that the hauler has a valid permit(s) in another jurisdiction(s) and verification of the source(s) and characteristics of the discharge from the director of public works or equivalent official of the respective jurisdiction(s).

3. After evaluation and acceptance of the permit application, the department of public works may require an inspection of the equipment to be used for transport of the wastewater and an inspection of the facilities where the wastewater is generated. The director of public works may issue a waste hauler permit subject to the terms and conditions provided therein.

C. Permit conditions. Waste hauler permits shall be subject to all provisions of this Section, all other regulations, pertinent fees, and conditions established by the County. The conditions of the waste hauler permits shall be uniformly enforced by the director of public works in accordance with this Section and applicable state and federal regulations.

1. Permits may contain the following:

- (a) Company name and address.
- (b) Contact name and telephone number.
- (c) State permit number.

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(d) License number and state of registration (for each vehicle).

(e) Limitations as to time, location, rate of flow and volume of discharges.

(f) Requirement for waste hauler to provide a manifest describing the origin, volume and nature of the discharge.

(g) Periodic chemical analysis of representative samples by an approved laboratory.

(h) Other conditions as deemed by the director of public works to ensure compliance with this Section.

2. Duration. Permits shall be issued for a specified time period, not to exceed one (1) year.

3. Transfer. Waste hauler permits are issued to a specific user for a specific operation. A waste hauler permit shall not be reassigned or transferred or sold to a new or changed operation. Permits shall not be transferred between vehicles.

D. Fees.

1. Permit fees. The waste hauler permit fee shall be one hundred dollars (\$100.00) per vehicle for a full calendar year. For permits issued after March 31 of any year, the fee shall be ten dollars (\$10.00) for each month or part of a month remaining in the calendar year. There shall be no refund for suspended or cancelled permits.

2. User fees. User fees shall be assessed for each truckload of sanitary waste discharged at the depository on the basis of New Castle County's contractual flow rate, average strength rates (BOD and SS) and the cost of operating and monitoring the depository. The volume of each discharge shall be eighty percent (80%) of the truck capacity for each discharge. New Castle County shall bill each permitted sanitary waste hauler on a quarterly basis for each truckload discharged at the depository in that period. All billings shall be paid in full within thirty (30) days of receipt or access to the depository will be denied.

3. Special Monitoring fees. Where special approval has been granted to haul prohibited waste as an exception under Subsection A.4.(a) of this Section, the owners of the source facilities from which such waste is hauled shall be assessed

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a special monitoring fee of two hundred dollars (\$200.00) per quarter for each facility. The owners of residential septic tanks, cesspools, holding tanks and temporary toilet facilities shall be exempt from these fees.

E. Enforcement. Any waste hauler discharging waste into the New Castle County sewer system without a waste hauler permit, or discharging waste into any location other than the Sanitary Waste Depository, or discharging other than sanitary waste into the public sewer system without a valid permit or violating any other provision of this Section may be subject to the following enforcement actions:

1. Administrative enforcement. All rules and regulations described herein shall be enforced by the director of public works or his authorized representative.

(a) Notice of violation. Whenever the director of public works finds that any waste hauler has violated or is violating this Section, or a permit or an order issued hereunder, the director of public works or his agent may serve upon said hauler a written notice of violation. Within twenty (20) working days of receipt of this notice, the waste hauler shall submit to the director of public works an explanation of the violation, and a plan for satisfactory correction and prevention of potential future violations, including specific required actions. Submission of this plan shall not relieve the hauler of liability for any violation(s) occurring before or after the receipt of the notice of violation.

(b) Administrative order. When the director of public works finds that any waste hauler has violated or continues to violate this Section, or a permit or an order issued hereunder, he may issue an order to the waste hauler responsible for the discharge directing that waste hauling privileges shall be discontinued. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance.

i) Suspension. A permit may be suspended for a period of time as determined by the director of public works for failure to abide by and follow the conditions of the permit or this regulation, or for failure of payment of fees or surcharges. During the period of suspension, the permit holder's right to discharge wastes within this jurisdiction is held in abeyance. The permit holder is not entitled to the return of fees

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covering the suspended time period. Such suspension shall not be lifted except by written permission of the director of public works, payment of fines and posting of bond in the amount of five thousand dollars (\$5,000.00) guaranteeing to the County future compliance with these regulations.

ii) Cancellation. Repeated violations of permit conditions or the provisions of this Section may result in cancellation of the permit. The holder of a cancelled permit is not entitled to the return of any part of the fee(s) paid for such permit.

(c) Administrative fines. Any waste hauler found in violation of this section shall be subject to fines in an amount not to exceed one thousand dollars (\$1,000.00) for each violation. Each day on which any violation continues shall constitute a separate offense for which a separate penalty shall be imposed. Waste haulers disputing such fines must send within ten (10) working days of receipt of notification of the fine a request to the director of public works for reconsideration. Where the director of public works believes the dispute has merit, he shall convene a show cause hearing as defined in this subsection on the matter within thirty (30) working days of receiving the request from the waste hauler.

(d) Show cause hearing. The Director may order any waste hauler which contributes to violation of this Section, or permit or order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the hauler specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action and requesting that the hauler show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) working days prior to the scheduled hearing, except in case of an emergency as determined by the director of public works. Such notice shall be served to any principal executive, general partner or corporate officer. Whether or not a duly notified waste hauler appears as noticed, additional enforcement action may be pursued.

2. Judicial remedies.

(a) Injunctive relief. Whenever a waste hauler has violated or continues to violate the provisions of this Section or a permit, the director of public works, through counsel, may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction or both to restrain or compel the actions of the waste hauler.

(b) Civil actions. In addition to any other remedy, the County may maintain a civil action for recovery of actual damages plus attorney's fees, expert witness costs, court costs, and prejudgment and post-judgment interests.

(c) Criminal prosecution.

i) Violations. Any waste hauler who willfully or negligently violates any provision of this Section or any permit issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation or imprisonment for not more than thirty (30) days or both.

ii) Falsifying information. Any waste hauler who knowingly makes any false statements, representations or certifications in any application, record report, plan or other document filed or required to be maintained pursuant to this Section or permit shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or imprisonment for not more than thirty (30) days or both.

F. Appeals. Any waste hauler, permit applicant or permit holder affected by any decision, action or determination made by the director of public works, interpreting or implementing the provisions of these regulations or in any permit issued herein, may file with the director of public works a written request for reconsideration within ten (10) working days of receipt of such decision, action or determination, setting forth in detail the facts supporting the hauler's request for reconsideration. The director of public work's decision, action or determination shall remain in effect during such period of reconsideration. Any person or entity aggrieved by a decision of the director of public works may appeal such decision in any manner provided by law.

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